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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**

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11 KELLY SMITH,

12 Plaintiff,

13 v.

14 RECEIVABLES MANAGEMENT GROUP,
15 INC.; and DOES 1 to 10, inclusive,

16 Defendants.

Case No.

**COMPLAINT FOR VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT ("FDCPA"),
WASHINGTON COLLECTION
AGENCY ACT ("WCAA") AND
WASHINGTON CONSUMER
PROTECTION ACT ("WCPA")**

JURY TRIAL DEMANDED

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18 **COMPLAINT AND DEMAND FOR JURY TRIAL**
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20 *INTRODUCTION*

21 1. This is an action for actual and statutory damages brought by plaintiff Kelly Smith
22 (hereinafter "Plaintiff"), an individual consumer, against defendant Receivables Management
23 Group, Inc. ("Defendant" or "RMG") for violations of the Fair Debt Collection Practices Act,
24 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") which prohibits debt collectors from engaging
25 in abusive, deceptive, and unfair practices, for violations of the Washington Collection Agency
26 Act, RCW 19.16 *et seq.* (hereinafter "WCAA") and violation of the Washington Consumer
27 Protection Act (hereinafter "WCPA"), RCW 19.86 *et seq.*
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JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, 28 U.S.C. § 1331, and/or 28 U.S.C. § 1367.

3. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

4. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

5. Plaintiff, Kelly Smith is a consumer, a natural person allegedly obligated to pay any debt, residing in Snohomish County, in the state of Washington.

6. Defendant, RMG is a foreign corporation engaged in the business of collecting debt in this state with its principal place of business located in 6440 Flying Cloud Drive, #201, Eden Prairie, Minnesota 55344-3222. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

8. Defendant is a “collection agency” or an “out-of-state collection agency” as defined by RCW § 19.16.100.

FACTUAL ALLEGATIONS

9. Upon information and belief, within one year prior to the filing of this complaint, Defendant called Plaintiff, displaying the intent to harass her by calling her after 9 p.m., which is an inconvenient time, seeking and demanding payment for an alleged consumer debt owed under an account number.

10. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

11. Defendant is not authorized or licensed to conduct debt collection activities in the State of Washington.

12. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff sometime prior to April 23rd of 2012.

13. Defendant, during communications with Plaintiff, within one year from the filing of this complaint, did not state that Defendant was a debt collector, attempting to communicate a debt, and that any information would be used for that purpose.

14. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in her feeling stressed, amongst other negative emotions.

15. Defendant's illegal abusive collection communications as more fully described above were the direct and proximate cause of severe emotional distress on the part of Plaintiff.

CLAIM FOR RELIEF

16. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

17. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(b) Defendant violated §1692e(11) of the FDCPA by failing to disclose in the oral communications with Plaintiff that the communications were from a debt collector, and that the debt collector was attempting to collect a debt, and that any information obtained would be used for that purpose, when said communications were not formal pleadings; and sent of the Plaintiff and the contact was not in a manner covered by §1692b of the FDCPA; and

(c) Defendant violated §1692c(a)(1) by calling Plaintiff in connection with the collection of the alleged debt after 9 o'clock postmeridian, local time at the consumer's location, which is an unusual time or place or a time or place known or which should be known to be inconvenient to Plaintiff, without the prior consent of Plaintiff given directly to Defendant or the express permission of a court of competent Jurisdiction.

18. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

19. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Kelly Smith for actual damages, statutory damages, and costs and attorney fees.

SECOND CLAIM FOR RELIEF

20. Plaintiff repeats and re-alleges and incorporates by reference to the foregoing paragraphs 1-19.

Defendant violated the WCAA, RCW 19.16 et seq. in the following ways:

(a) Defendant violated section 19.16.110 of the RCW by acting as a collection agency without first having applied for and obtained a license from the director of licensing; and

(b) Defendant violated section 19.16.250(16) of the WCPA by threatening to take legal action against the debtor which Defendant could not legally take at the time; and

(c) Defendant violated section 19.16.440 of the RCW by operating a collection agency within the State of Washington without a license as prohibited by section 19.16.110 of the RCW, and thereby have employed unfair and deceptive trade practices under Chapter 19.86 of the RCW.

21. Defendant's acts as described above were done intentionally with the purpose of coercing plaintiff to pay the alleged debt.

22. Defendant has engaged in an act or practice prohibited by RCW 19.16.250 which are unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the WCPA, Chapter 19.86 RCW.

23. As a result of the foregoing violations of the WCAA and WCPA, Defendant is liable to Plaintiff, Kelly Smith, for declaratory judgment that Defendant's conduct violated the WCAA and WCPA, actual damages, statutory damages, treble damages, and costs and attorney fees.

1 WHEREFORE, Plaintiff Kelly Smith respectfully requests that judgment be entered against
2 Defendant Receivables Management Group, Inc. for the following:

- 3 A. Declaratory judgment that Defendant's conduct violated the FDCPA.
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5 B. Declaratory judgment that Defendant's conduct violated the WCAA and WCPA.
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7 C. Actual damages pursuant to 15 U.S.C. § 1692k and/or RCW 19.86.090.
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9 D. Statutory damages pursuant to 15 U.S.C. § 1692k and/or RCW 19.86.090.
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11 E. Treble damages pursuant to RCW 19.86.090
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13 F. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and/or RCW
14 19.86.090.
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16 G. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed
17 under the law.
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19 H. For such other and further relief as the Court may deem just and proper.
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21 *DEMAND FOR JURY TRIAL*

22 Please take notice that Plaintiff, Kelly Smith, demands trial by jury in this action.
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24 Respectfully submitted this 2nd day of August, 2012.
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